

Adult Entertainment Establishment Ordinance

Title

This Ordinance shall be known as the “Adult Entertainment Establishment Ordinance for the Municipality of Canaan, Maine”

Authority

This ordinance has been prepared in accordance with 30-A-M.R.S.A., Subsection 3001 and the Constitution of the State of Maine.

Purpose and Justification for the Ordinance

1. The purpose of this Ordinance is to protect the health, safety, welfare, the likelihood of criminal activity and to protect the value of the property This ordinance is to protect the value of property owners in the town of Canaan from depreciation due to an undesirable establishment in close proximity of their residence.
2. This ordinance is also necessary to protect Canaan residents from disturbing, noisy, music and or noise from the patrons of said establishments.

Amendments

Amendments may be initiated by the Board of Selectmen, Planning Board or written petition by a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality in the last gubernatorial election. This ordinance may be amended by a majority vote of the legally constituted municipal governing body at the regular or special town meeting or by a referendum ballot.

Location of Adult Entertainment Establishments

Adult entertainment establishments will be prohibited in the town of Canaan within 1000 feet from a residence, 1500 feet from a church, temple or other buildings which is used primarily for religious worship and related religious activities, 1500 feet from any public or private educational facility, 1500 feet from a public park or recreational area which has been designated a park or recreational area. No building structure, parking lots or signs shall be constructed within these limits except for a sign that would be positioned at the entrance to the parking lot for that establishment. The noise from loud music and or patrons shall not exceed 45 Decibels (Db) measured at least (4) feet above ground level at the property boundary line of the source.

Signage guidelines

The sign must meet the approval of the Code Enforcement Officer, who may require changes if he/she believe the proposed sign would be offensive to a significant number of Canaan residents.

Primary Signs

1. Primary signs shall have no more then two (2) display surfaces.
2. Be a flat plane, rectangular in shape.
3. Shall contain no photographs, silhouettes, drawings or pictorial representations in any manner, and may contain only the name of the enterprise.
4. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.
5. The exterior of the sign shall not exceed 30 square feet.
6. The bottom of the sign may not be more than 10 feet above the ground.
7. The top of the sign may not be more than 15 feet above the ground.
8. Exterior lights may be used for necessary illumination. They may not blink or be so bright as to disturb neighbors or passersby, as determined by the Code Enforcement Officer.

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Secondary Signs

Secondary signs shall have only one (1) display surface. Such display surface shall:

1. Be a flat plane, rectangular in shape.
2. Not exceed twenty (20) square feet in area.
3. Be affixed or attached to any wall or door of the enterprise.
4. The provisions for Primary Signs numbered three (3) four (4) and eight (8) shall also apply to secondary signs

Age Requirements

1. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult entertainment establishment at any time the adult entertainment Establishment is open for business.
2. It shall be the responsibility of the operator of each adult entertainment establishment to ensure that an attendant is stationed at each public entrance to the adult entertainment establishment at all times during adult entertainment establishments regular business hours. It shall be the duty of the attendant to prohibit any person under the age of eighteen (18) years of age from entering the adult entertainment establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) years of age unless such attendant asked for and was furnished: A valid operator's, commercial operator's or chauffeur's driver's license, or a valid personal identification certificate issued by the State of Maine reflecting that such person is eighteen (18) years of age or older.

Hours of Operation

1. No adult entertainment establishment in the town of Canaan will remain open at any time between the hours of 12:00 P.M. and 6:00 A.M.

Prohibited Activities

1. All acts of public indecency, as defined in the statutes of the State of Maine (17 - A- M.R.S.A.), are prohibited in Adult oriented establishments.
2. All other acts prohibited by applicable ordinances or Town, County, State and Federal laws.

Enforcement

This ordinance shall be enforced by the Somerset Sheriffs Department, by the Maine State police or by a town constable or any other official duty appointed and authorized by the Selectmen.

Penalties

The violation of any provision of this ordinance shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00) for each offense. Each act of violation, and every day upon which any such violation shall occur, shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this ordinance by appropriate action, including but not limited to revocation of any town license for a premises or commercial or business establishment in which the violation of this ordinance took place. The town must also be awarded any reasonable attorney fees and costs that is necessary to enforce this ordinance.

Severability:

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of any other section, phrase, sentence or portion hereof.

Conflict:

This ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw or provision of law.

Effective Date:

This ordinance shall become effective upon approval by the legislative body of the Town of Canaan.